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INTERNATIONAL DRUG CONTROL

Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

Report of the Secretary-General

SUMMARY

From 1 July 1992 to 30 June 1994, 17 States became parties to the Single Convention on Narcotic Drugs of 1961 and that Convention as amended by the 1972 Protocol; 25 States became parties to the Convention on Psychotropic Substances of 1971; and 40 States became parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. At its thirty-seventh session, the Commission on Narcotic Drugs adopted various resolutions on measures to promote implementation of the conventions further, including resolutions on money-laundering, the establishment of a working group on maritime cooperation, the role of the International Narcotics Control Board and cooperation with the Commission on Crime Prevention and Criminal Justice. During the reporting period, the United Nations International Drug Control Programme continued to provide legal assistance to enable States to revise their drug control legislation. The Programme also developed model legislation and conducted training courses for personnel responsible for applying drug control laws.

* A/49/150.

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I. INTRODUCTION

1. The General Assembly, at its forty-seventh session, adopted resolution 47/97 of 16 December 1992 on the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, 1/ in which it requested the Secretary-General to report on the implementation of that resolution to the Assembly at its forty-ninth session. In its resolution 48/112 of 20 December 1993 on international action to control drug abuse and illicit production and trafficking, the Assembly further requested the United Nations International Drug Control Programme to report to the Commission on Narcotic Drugs on experience gained to date in implementing the 1988 Convention and to make recommendations for further implementation.

2. The present report reviews the implementation of resolution 47/97 over the two-year period from 1 July 1992 to 30 June 1994. It also outlines the recommendations for further implementation of the 1988 Convention adopted by the Commission at its thirty-seventh session, pursuant to General Assembly resolution 48/112.

II. STATUS OF ADHERENCE TO AND IMPLEMENTATION OF THE 1988 CONVENTION

3. In paragraphs 2 and 5 of resolution 47/97, the General Assembly urged States that had not yet done so to ratify or accede to the 1988 Convention, as well as to the other main drug control treaties, namely, the Single Convention on Narcotic Drugs of 1961, 2/ that Convention as amended by the 1972 Protocol 3/ and the Convention on Psychotropic Substances of 1971, 4/ in order to make the provisions of those conventions more universally effective.

4. As of 30 June 1994, 148 States were parties to the Single Convention or to that Convention as amended by the 1972 Protocol, 131 to the 1971 Convention, and 101 to the 1988 Convention (see status of adherence in annex I). Ratification of, or accession to, the drug control treaties during the reporting period evolved as follows: 17 States 5/ became parties to the Single Convention as amended by the 1972 Protocol (either by directly becoming parties to the Convention as amended, or by becoming parties to the 1972 Protocol); 25 States 6/ became parties to the 1971 Convention; and 40 States 7/ became parties to the 1988 Convention.

5. In paragraphs 3 and 4 of resolution 47/97, the Assembly also urged States to adopt legislative and administrative measures to bring their domestic legal system into line with the 1988 Convention. Implementing laws and regulations provided by States to the Secretary-General are published by the United Nations International Drug Control Programme in the E/NL.- series of documents. Legislation adopted and published during the reporting period includes the following: amendments in lists of controlled substances, usually to bring the domestic scope of control into line with treaty provisions; comprehensive drug control acts dealing with the organization of licit drug-related activities, the prohibition and repression of illicit operations, and the treatment and rehabilitation of drug abusers; and amendments to penal codes providing for more

severe penalties for drug trafficking or establishing new forms of criminal offences. There has been intensive legislative activity in the following two areas covered by the 1988 Convention: the control of drug proceeds, with the adoption of numerous laws providing for the detection and repression of money-laundering activities and the confiscation of proceeds; and the establishment of precursor control mechanisms.

III. ACTIVITIES UNDERTAKEN BY THE UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME FOR FURTHER IMPLEMENTATION OF THE 1988 CONVENTION

6. In paragraph 6 of resolution 47/97, the Assembly requested the Programme to continue to provide legal assistance to Member States in the adjustment of their national laws, policies and infrastructures, as well as in the training of personnel responsible for applying the new laws.

7. During the reporting period, legislative assistance was provided by the Programme to requesting States (see list in annex II) through the following four-step methodology:

(a) Holding of evaluation missions, where the need for new or revised legislation is assessed and supported at both the political and executive levels;

(b) Once political and executive commitments have been made, preparation of new or revised legislation;

(c) Advisory support to Governments during the legislative approval and ratification processes;

(d) Transfer of technical expertise to ensure the implementation of the conventions and domestic legislation, through training and holding of legal workshops to resolve domestic, subregional and wider implementation problems. Many States which received legal assistance and have ratified the drug control conventions have either enacted new drug control legislation or have a draft law ready for submission to parliament.

8. Model legislation has been developed by the Programme to promote more uniform implementation and facilitate international cooperation. A package of model laws on the regulation of licit activities, the repression of illicit activities, extradition and mutual legal assistance, money-laundering and confiscation of drug proceeds, as well as on the creation of required drug control bodies and coordinating mechanisms, is now available in Arabic, English, French, Portuguese, Russian and Spanish for use in the main legal systems. Commentaries to the model laws and an inventory of the provisions of the drug control conventions that must be incorporated into national legislation have also been prepared.

IV. ACTIVITIES UNDERTAKEN BY THE DEPARTMENT OF PUBLIC INFORMATION TO DISSEMINATE INFORMATION ABOUT THE 1988 CONVENTION

9. In paragraph 8 of resolution 47/97, the Assembly requested the Department of Public Information of the Secretariat to promote and support public information activities relating to the 1988 Convention.

10. For the high-level plenary meetings on drug control held at the forty-eighth session of the General Assembly in October 1993, the Department of Public Information prepared and distributed to the news media an information kit and background papers on issues considered during the session, including the 1988 Convention. Each year, the Department launches the report of the International Narcotics Control Board with a background release and usually a press conference; on that occasion, the 1988 Convention is frequently highlighted. Radio, television and press-release coverage by the Department of United Nations drug-control activities publicizes the 1988 Convention as a major instrument of international drug control. Reference is also made to the 1988 Convention during briefings organized by the Department for the press and non-governmental organizations.

V. RECOMMENDATIONS BY THE COMMISSION ON NARCOTIC DRUGS FOR FURTHER IMPLEMENTATION OF THE 1988 CONVENTION

11. In accordance with Assembly resolution 48/112, the United Nations International Drug Control Programme reported to the Commission at its thirty-seventh session on the implementation of the 1988 Convention. The Commission was informed of the progress made in adherences to the 1988 Convention as well as to the 1961 and 1971 Conventions. Implementing legislation adopted by States was presented through the issuance of the 1993 cumulative index of drug control laws and regulations, as well as through a note on legislation focusing on the following selected aspects of the 1988 Convention: money-laundering (art. 3); confiscation and sharing of drug proceeds (art. 5); and controlled delivery (art. 11). Reports and recommendations were also presented on the adoption by Governments and regional organizations of precursor control mechanisms (art. 12) and the holding of an expert group meeting to consider the mandate, activities and funding of a working group on maritime cooperation.

A. Review and analysis of drug control legislation

12. The Commission emphasized the need to promote further the adoption of implementing legislation by States parties and non-parties to the 1988 Convention. In its resolution 5 (XXXVII) of 21 April 1994, the Commission emphasized money-laundering as an area where adoption and harmonization of legislation should, in particular, be promoted.

13. The Commission confirmed the usefulness of legislative analysis and requested to be briefed at its next session on the adequacy of existing national drug control legislation in implementing the drug control treaties.

B. Establishment of a working group on maritime cooperation

14. In its resolution 9 (XXXVII) of 21 April 1994, the Commission reaffirmed the need to improve international cooperation against illicit traffic by sea and requested the Executive Director of the United Nations International Drug Control Programme to convene a working group on maritime cooperation. The working group will have the mandate to develop a comprehensive set of principles and specific recommendations to enhance the implementation of article 17 of the 1988 Convention, and will report on the results of its work to the Commission at its thirty-eighth session.

C. Role of the International Narcotics Control Board in furthering the implementation of the drug control treaties

15. Recalling the role assigned to the International Narcotics Control Board in monitoring the implementation of the drug control treaties, the Commission, in its resolution 7 (XXXVII) of 20 April 1994, expressed the wish that the Board should take full advantage of all the treaty provisions of relevance to it and call more frequently upon the Governments concerned to adopt the measures required for the implementation of the conventions. It invited the Board to include in its annual report more detailed assessments of policies pursued by States in combating illicit activities relating to narcotic drugs, psychotropic substances and precursors.

D. Cooperation between the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice

16. Continuing to enhance its active cooperation with the Commission on Crime Prevention and Criminal Justice in matters of common concern, the Commission on Narcotic Drugs, in its resolution 1 (XXXVII) of 20 April 1994, indicated specific areas where the undertaking of joint initiatives by the United Nations International Drug Control Programme and the Crime Prevention and Criminal Justice Branch of the Secretariat could be envisaged, including money-laundering, legislation on the proceeds of crime, mutual legal assistance, extradition and incorporation of anti-drug legislation into national penal codes.

Notes

1/ E/CONF.82/15 and Corr.2.

2/ United Nations, Treaty Series, vol. 520, No. 7515.

3/ Ibid., vol. 976, No. 14152.

4/ Ibid., vol. 1019, No. 14956.

5/ Antigua and Barbuda, Armenia, Bosnia and Herzegovina, Burundi, Croatia, Czech Republic, Dominica, Dominican Republic, Latvia, Lithuania,

Poland, Saint Kitts and Nevis, Sierra Leone, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Zimbabwe.

6/ Antigua and Barbuda, Armenia, Bosnia and Herzegovina, Burundi, Croatia, Czech Republic, Dominica, Fiji, Ireland, Israel, Latvia, Lithuania, Myanmar, Netherlands, Niger, Romania, Saint Kitts and Nevis, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Sudan, the former Yugoslav Republic of Macedonia, Zambia and Zimbabwe.

7/ Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Barbados, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Colombia, Croatia, Czech Republic, Dominica, Dominican Republic, El Salvador, Fiji, Finland, Germany, Guyana, Iran (Islamic Republic of), Kenya, Latvia, Malaysia, Mauritania, Morocco, Netherlands, Niger, Panama, Poland, Romania, Saint Vincent and the Grenadines, Sierra Leone, Slovakia, Slovenia, Sudan, Suriname, the former Yugoslav Republic of Macedonia, Zambia and Zimbabwe.

Annex I

STATUS OF ADHERENCE TO THE DRUG CONTROL TREATIES AS OF 30 JUNE 1994

A. Single Convention on Narcotic Drugs of 1961 a/ and that Convention as amended by the 1972 Protocol b/

1. The following 148 States are parties to either the 1961 Convention only (underlined) or the 1961 Convention as amended by the 1972 Protocol:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Federated States of Micronesia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia and Zimbabwe.

B. Convention on Psychotropic Substances of 1971 c/

2. The following 131 States are parties to the 1971 Convention:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Federated States of Micronesia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Holy See, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco,

Morocco, Myanmar, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia and Zimbabwe.

C. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 d/

3. The following 101 States are parties to the 1988 Convention:

Afghanistan, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, India, Iran (Islamic Republic of), Italy, Japan, Jordan, Kenya, Latvia, Luxembourg, Madagascar, Malaysia, Mauritania, Mexico, Monaco, Morocco, Myanmar, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia, Zambia and Zimbabwe.

4. On 31 December 1990 the European Economic Community deposited its instrument of formal confirmation of the Convention (extent of competence: art. 12).

Notes

a/ Entry into force: 13 December 1964.

b/ Entry into force: 8 August 1975.

c/ Entry into force: 16 August 1976.

d/ Entry into force: 11 November 1990.

Annex II

LEGAL ASSISTANCE PROVIDED BETWEEN 1 JULY 1992 AND 30 JUNE 1994

A. Legal assistance missions

1. Legal assistance missions were carried out in the following countries:

Albania, Belarus, Brunei Darussalam, Bulgaria, Cambodia, Colombia, Czech Republic, Estonia, Ethiopia, Gambia, Hungary, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lithuania, Madagascar, Maldives, Nepal, Niger, Papua New Guinea, Poland, Russian Federation, Suriname, Thailand, Togo, Turkmenistan, Uganda, Ukraine, Uzbekistan, Viet Nam and Yemen.

B. Regional legal workshops

2. Regional workshops were held in the following countries and areas:

Angola, Australia, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Congo, Cook Islands, Côte d'Ivoire, Equatorial Guinea, Fiji, Gabon, Guinea Bissau, Guinea, Hong Kong, India, Indonesia, Iran (Islamic Republic of), Japan, Kiribati, Lao People's Democratic Republic, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Federated States of Micronesia, Myanmar, Nauru, Nepal, New Zealand, Niger, Nigeria, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Thailand, Togo, Viet Nam, Western Samoa and Zaire.

C. Legal training workshops

3. Legal training workshops were held in the following countries and territories:

Angola, Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Burundi, Cayman Islands, Cambodia, Cameroon, Chad, Congo, Côte d'Ivoire, Dominica, Equatorial Guinea, Gabon, Grenada, Guinea, Jamaica, Mali, Mauritania, Niger, Nigeria, Puerto Rico, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Togo, Trinidad and Tobago, Turks and Caicos Islands and Zaire.